

**REMARKS/ARGUMENTS**

In response to the Office Action dated November 22, 2004, claims 1, 2, 4, 5, 6, 11 and 12 are amended, and claims 13-21 are added. Claims 1-7 and 11-21 are now active in this application with claims 8-10 being withdrawn as directed to a non-elected invention. No new matter has been added.

The indication that claims 2-7 and 11 would be allowable if rewritten to overcome noted indefiniteness and in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1-7, 11 and 12 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In support of this position, the Examiner identifies phrases that are confusing and/or lack clear antecedent basis. By this response, each of the noted points of indefiniteness has been appropriately addressed. Specifically, non-sequiturs are eliminated and confusing and/or vague language deleted in favor of language believed to recite the invention with the degree of precision and particularity required by the statute. Therefore, it is respectfully urged that the rejection be withdrawn.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 102**

Claims 1 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kitawaga (USPN 5,685,599)

The rejections are respectfully traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

There are significant differences between the claimed invention and the arrangement disclosed by Kitagawa that scotch the factual determination that Kitagawa identically describes the claimed inventions within.

The claimed invention is directed to a front body structure for a vehicle, which is capable of inducing and promoting a lateral displacement of a vehicle rigid body when a vehicle has a “small-overlapping” collision such that its input face concentrates in a lateral end of the vehicle rigid body, thereby reducing a deformation amount of the vehicle body.

Claim 1 requires, *inter alia*:

an impact load transfer mechanism formed outside the front compartment and changing an impact load direction to a lateral direction for transmitting an impact load to one of the longitudinal structural members and the power unit directly.

Claim 12 requires, *inter alia*:

impact load transfer means for changing the an impact load direction to a lateral direction for transmitting an impact load to one of the longitudinal structural members and the power unit directly, the impact load transfer means formed outside the front compartment.

Kitagawa discloses a structural member of vehicle body. With this structural member, a load to the rearward of the vehicle can be efficiently dissipated and transmitted to the extension side frame and the side sill via the torque box. However, Kitagawa fails to disclose or suggest an

impact load transfer mechanism formed outside the front compartment and changing an impact load direction to a lateral direction for transmitting an impact load to one of the longitudinal structural members and the power unit directly, as required by claims 1 and 12. Consequently, the impact load from the front side of the vehicle is inputted and transmitted only in the vehicle longitudinal direction.

In Kitagawa, when a vehicle has a “small-overlapping” collision such that its input face concentrates in a lateral end of the vehicle rigid body, the impact load direction cannot be changed to a lateral direction of the vehicle, so that the impact load cannot be transmitted to the power unit directly and the deformation amount of the vehicle body cannot be reduced. In other words, in Kitagawa, if an object is positioned on the outside of the power unit in the vehicle widthwise direction as shown in Fig. 9 of the present application (small-overlapping collision), the impact load cannot be transmitted to the power unit directly.

Moreover, Kitagawa is directed to transmitting the impact load to the rear portion of the extension sideframe 3 through the power unit 5 and the front side member, as shown in FIG. 5 of the reference. In contrast, the present invention is directed to changing the impact load direction to the lateral direction to transmit the impact load to one of the longitudinal structural members and the power unit directly. Namely, while Kitagawa is directed to the transmission of the impact load on the rear area of the front compartment, the present invention is directed to the transmission of the impact load on the front area of the front compartment. Consequently, claims 1 and 12 are distinguishable from Kitagawa.

The above argued differences between the claimed structure vis-à-vis the structure of Kitagawa undermine the factual determination that Kitagawa identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. *Minnesota Mining & Manufacturing Co. v.*

*Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992);

*Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Applicants, therefore, submit that the imposed rejection of claims 1 and 12 under 35 U.S.C. § 102 for lack of novelty as evidenced by Kitagawa is not factually or legally viable and, hence, solicit withdrawal thereof, as well as the allowance of claims 1 and 12.

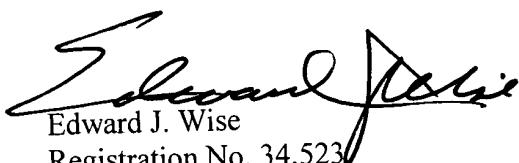
### CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Edward J. Wise  
Registration No. 34,523

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 EJW:cac  
Facsimile: 202.756.8087  
**Date: February 22, 2005**

**Please recognize our Customer No. 20277  
as our correspondence address.**